



August 27, 2024

Hon. Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
VIA ECF ONLY

Re: *Shkolir, et. al v. RX2GO, Inc., et. al.*; 1:23-cv-7256-OEM-PK (EDNY)
JOINT STATUS REPORT

Your Honor:

I represent the Plaintiffs in the above-referenced action. Pursuant to the Court's Order dated August 14, 2024, we hereby submit the following Status Report, jointly with counsel for Defendants.

The parties held a zoom meet and confer meeting on August 6, 2024, and submitted a Joint Status Report on the result of that meet and confer on August 13, 2024. [Dkt. 37]. The parties then met-and-conferred again virtually on August 20, 2024 for approximately thirty (30) minutes. Following are updates as to where the issues raised therein stand:

1. *Defendants will produce certain information requested by August 16, 2024*
 - a. Defendants produced a declaration (a copy of which is attached hereto) and one additional page worth of discovery production on August 16.
 - b. In the declaration, Defendants indicated that certain additional documents are forthcoming, but Plaintiffs' counsel has not yet received it. Defendants anticipate supplementing their production by Friday, August 30, 2024.
2. *The parties agreed in principle to continue settlement discussions to try to hold off on motion practice/litigation to the extent feasible as we do so;*
 - a. Still true in theory, but Plaintiffs' counsel is disappointed at the lack of additional production, as its absence will make settling harder. Defendants respectfully refute this contention, as Plaintiffs are in possession of all information necessary to continue settlement discussions. Notwithstanding, Defendants are supplementing their production, which already exceeds 1,500 pages.

ANDERSONDODSON, P.C.
11 BROADWAY, SUITE 615 | NEW YORK, NEW YORK 10004
14143 DENVER WEST PARKWAY | SUITE 100-50 | GOLDEN, COLORADO 80401
TEL: (212) 961-7639 | FAX: (646) 998-8051
WWW.ANDERSONDODSON.COM

 August 27, 2024

Page 2 of 2

- b. On August 23, in response to a request made on the 20th, Plaintiffs' counsel produced a spreadsheet to defense counsel showing a few examples of underpayments she believe to be borne out by the documents exchanged thus far.
 - c. Defendants stated to Plaintiffs during the August 20, 2024 virtual meet-and-confer that it is Plaintiffs' turn to make a move vis-à-vis settlement; to date, Plaintiffs have not yet reduced their demand.
- 3. *Plaintiffs' counsel will provide a draft of the proposed Second Amended Complaint to Defendants' counsel by August 16, 2024*
 - a. Plaintiffs' counsel sent the draft Second Amended Complaint to defense counsel on August 14. Defendants requested during the August 20, 2024 virtual meet-and-confer that Plaintiffs provide a red-line draft of the proposed amended pleading, which Plaintiffs provided. Defendants are reviewing the complaint and will meet-and-confer with Plaintiffs again to determine whether the pleading deficiencies raised have been resolved.
 - b. If the parties agree to the proposed Second Amended Complaint, Plaintiffs will submit the motion to amend as unopposed;
 - c. If Defendants objects to the proposed Second Amended Complaint, the parties will come up with a briefing schedule during the Zoom on August 20, 2024; and
- 4. The parties agreed that the collective certification motion is premature at this juncture, but will revisit later on once some of these additional hurdles have been leapt.
 - a. **Same status**

In light of the above, Plaintiffs suggests that Defendants' productions and stance regarding the proposed amended complaint be due by end of day Friday, August 30, 2024 and that another status report be due at a date set by this Court.

Thank you for your consideration.

Sincerely,



Penn Dodson, Esq.

penn@andersondodson.com